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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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PAKISTAN: Government must guarantee fundamental right of freedom of religion to all

The Asian Legal Resource Centre (ALRC) wishes to bring to the attention of the UN Human Rights Council the deteriorating state of freedom of religion, belief, and faith in Pakistan. An increasing number of minority families are being forced to flee Pakistan. Minorities, especially Christians, Hindus, and Ahmadis, are being subjected to mass violence, terrorist acts, and abuse of blasphemy laws.

While fleeing Christians, Ahmadis, and even Shias have ended up in various states of South and East Asia—registering with the UNHCR in the hope of finding a home that allows them equal rights—Pakistani Hindus have been taking refuge in India. The increasing intolerance towards pluralism and interfaith harmony has seeped into the general populace and the state machinery. Fleeing Hindu minorities of Sindh, forced to migrate to India, are an example of the resultant exodus.

Officially, the Constitution and other laws and policies restrict freedom of religion. The Constitution establishes Islam as the state religion, and mandates that all laws in Pakistan have to be consistent with Islamic teaching. At the same time the Constitution also guarantees freedom to profess religious faith "subject to law, public order, and morality". This has created legal mire with regard to this freedom.

Violent extremists demand that all Pakistanis adhere to their authoritarian interpretation of Islam, with threat of dire consequences for those that don't. The Pakistani state has allowed these groups, most of which maintain armed outfits, to operate with impunity. These military factions target the moderate, educated, and enlightened Muslims who dare to speak against authoritarian interpretations of Islam; several journalist and social activists have been threatened and are now in hiding or self-exile.

While Hindus, Ahmadis, and Christians continue to suffer acute risk of violent persecution in Pakistan, the Pakistani government has itself failed to investigate and prosecute acts of violence and discrimination against members of minority groups. The government has shown nothing but contempt for the minorities that have sought asylum abroad.

Minorities continue to bear the brunt of mobs ever eager to band together and attack them on the mere rumour of blasphemy. Rising intolerance and illiteracy in society has robbed the masses of intellectual faculties to accept difference in opinion or religious belief. Mob justice is meted to anyone who dares disagree with the local *pesh imam* or feudal lord; many a times blasphemy is alleged as a tool to seek vendetta. And, blasphemy charges are hard to fight because the law does not clearly define what is blasphemous. Political parties themselves use blasphemy laws to trick the public, expand vote banks, and please religious groups. Those accused of blasphemy are often lynched and their lawyers have frequently been attacked. Judges have been threatened and attacked for dismissing cases and many of the accused face years in jail as their trials drag on.

On 29 May 2014, a prominent human rights lawyer in Multan, Rashid Rehman, representing a Professor accused of making a blasphemous Facebook post, was shot dead after prosecution lawyers threatened to kill him in front of a judge. Rashid Rehman was shot and killed in his law office because of his willingness to take on the case of an individual accused of blasphemy. The accused, an English professor, was accused of blasphemy in March 2013. Since then, the Professor has been unable to find legal representation due to the fear surrounding blasphemy, which carries the death penalty in Pakistan.

Another recent incident involves a Christian couple, Shahzad and his wife Shama, who were burned alive in a brick kiln, after being accused of blasphemy. Local media reported the couple was accused of burning a copy of the Holy Quran and throwing it in a rubbish bin. The mob set the couple on fire as a police officer watched silently.

Blasphemy laws are a part of the Islamic laws introduced by military dictator General Zia Ul Haq in the 1980s. Related constitutional provisions, which seek to "Islamise" laws, culture, and education, disseminate a certain brand of Islamic

ideology and encourage citizens to militate against diversity in Pakistan and discriminate against minorities. Blasphemy laws are now used increasingly to settle personal scores and grab property.

Societal intolerance and religious extremism has taken the already weak administrative and justice system of Pakistan as hostage. Police, lawyers, and judges are all scared.

Without recognizing the diversity of Islam, pluralism in Pakistan, and reaffirming the constitutional principle of equality for all citizens regardless of religion or sect, it will be impossible for the government to create religious and sectarian peace in the country.

However, the government is going the other way. Rather than embrace liberal voices and encouraging a level playing field for democracy, the government has co-opted the religious right, using extremists as a weapon against the opposition. A vulnerable Judiciary has not been protected and law enforcement has not been supported to combat and eliminate sectarian terror.

Socio-economic disadvantages are multiplied for minorities in Pakistan; many are denied the right to marriage and property; Pakistani law does not recognize civil Hindu marriage. As a result of the absence of Sikh and Hindu marriage registration, women, in particular, face immense challenges inheriting, purchasing, or selling property, accessing public services like health-care, and obtaining documentation such as a passport. Without bribes, obtaining land and building places of worship is impossible for minorities. On the other hand, dominant Sunni groups often build mosques and shrines, without permission of the government, sometimes on government land, without any repercussion.

Cases of custodial torture of minorities at the hands of law enforcement agencies have witnessed an upward trend. Last year, Ahmadi schoolteacher Abdul Quddoos was tortured in police custody in Chenab Nagar, Punjab; he later died in a local hospital due to injuries suffered. Police reportedly detained him as a suspect in a murder case, releasing him after allegedly torturing him.

The Ahmadi community is the most prone to being tortured and persecuted for professing their faith. The Ahmadiyya faith is, in fact, the most persecuted faith in Pakistan; Ahmadis are not allowed to call themselves Muslims, to preach, or to profess their faith. They are not allowed to use the same salutation as that of Muslims and they not allowed to name their progeny Muhammad.

Given the dire situation of minorities in Pakistan, the Asian Legal Resource Centre (ALRC) seeks the intervention of the Human Rights Council to urge the Government of Pakistan to:

1) Take active measures to ensure safety and security of minorities and ensure that the fundamental right of freedom of religion is guaranteed. It is incumbent on the state to ensure that the socio-economic state of minorities is raised at par with the rest of the populace— a duty the state presently does not seem interested in performing.

2) Take concrete steps to encourage open debate on the blasphemy law. In Pakistan, questioning blasphemy law is in itself considered an act of blasphemy; freedom of expression is currently being limited to what the orthodox clergy allows.

3) Encourage interfaith harmony and dialogue. The rise in intolerance and anti-pluralist sentiments has rendered the society incapable of questioning and critical thinking, robbing it of intellectual capabilities. The arrested intellectual development has given rise to the militancy that Pakistan is witnessing.

4) Prosecute the perpetrators of hatred and intolerance. The half-hearted measures have so far yielded no results to counter the ideology that is used to recruit terrorists. It is time the government acts to root out militancy from within Pakistan by strengthening and empowering investigation and prosecution within the criminal justice system, and not be establishing parallel systems or making supra-constitutional moves, such as establishing military courts.